THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 7075 of 2006

O r d e r:

The petitioner joined the service of the respondents-APSRTC as Cleaner in 1988. Upon passing Trade Test in Hammer Man, he was promoted as Hammer Man in 1989, and likewise, after passing Trade Test in Mill Wright Mechanic, he was promoted as Mill Wright Mechanic in 1996. While working as Mill Wright Mechanic, the petitioner states that the 2nd respondent, namely the Depot Manager, Sangareddy Depot, informed him that he has been re-categorized as Mechanic and transferred to Gajwel-Pregnapur Depot. To effect such transfer, the 2nd respondent issued orders dated 17.03.2006, relieving the petitioner from Sangareddy Depot. Aggrieved by the action of the respondents in re-categorizing him from the post of Mill Wright Mechanic to Mechanic, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that the petitioner, who joined the service of the respondents-APSRTC as Cleaner, was promoted to the post of Mill Wright Mechanic upon his passing the Trade Test in Mill Wright Mechanic. He submits that to hold the post of Mechanic, the candidate should have passed SSC and ITI in Mechanic Trade, and since the petitioner is not an SSC and did not pass ITI in Mechanic Trade, he is not entitled to hold the post of Mechanic, and as such, the action of the respondents in re-categorizing him from the post of Mill Wright Mechanic to that of Mechanic, is illegal and arbitrary, and more so when the nature of duties and responsibilities attached to the post of Mill Wright Mechanic and Mechanic are different.

The respondents filed detailed counter. The learned Standing Counsel for the respondents-APSRTC reiterating the counter averments submitted that the Board of APSRTC passed Resolution No. 155/2000, dated 25.11.2000, for re-categorization of excess staff available in the various categories in the Depots, based on the revised norms to the categories having shortage, by implementing the concept of multi-trade skills in the Depots, Workshops and Body Building Units. In pursuance of the said resolution, the Vice Chairman and Managing Director, vide Circular No. 01/2001-MRD, dated 20.01.2001, issued various guidelines for adjustment of excess staff. He submitted that as per the instructions issued by the Head Office to all the Regional Managers vide Letter
No. SA1/255(17)/2002-PO-III, dated 22.03.2002, in case Artisans, who are found in excess in a particular category, are not willing for re-categorization to other trades where there is shortage, the junior-most excess artisan, has to be re-categorized. As the petitioner was the junior-most in the seniority list of Mill Wright Mechanics in Medak Region, he was re-categorized and transferred to Gajwel-Pregnapur Depot. He submitted that there is no disturbance to his service conditions or his seniority nor is there any financial loss caused to the petitioner by virtue of re-categorization nor is his promotion channel affected. He submitted that all the excess staff in a category, who have been re-categorized, would be imparted necessary training, and except the petitioner all other Artisans, who have been re-categorized have joined at their places and have also undergone training. He thus submitted that the petitioner cannot have any grievance about his re-categorization, and prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

The respondents, to improve their productivity, sought to implement the concept of multi-trade skills in Depots/Workshops/Body Building Units. Keeping this concept in view, they sought to adjust the excess staff in a category to other categories by re-categorizing them. The guidelines for adjustment of excess staff, issued by the Vice Chairman and Managing Director, vide Circular No. 01/2001-MED, dated 20.01.2001, provide re-categorization of excess Mill Wright Mechanics to the categories of Mechanic/Painter/Blacksmith/Tyre Mechanic. The petitioner, it is stated by the respondents, is the junior-most in the seniority-list of Mill Wright Mechanics in Medak Region, and having regard to the instructions issued by the Head Office in their Lr. No. SA1/255(17)/2002-PO-III, dated 22.03.2002, which provides for re-categorization of the junior-most in the category, the petitioner was re-categorized as Mechanic. It is not as if the respondents by re-categorizing the petitioner, have altered his service conditions or placed him in a lesser scale of pay. it is the specific case of the respondents that upon re-categorization, the service conditions of the petitioner are not changed nor his seniority is disturbed in the category nor is promotion channel is disturbed, and this apart, it is their specific case that the time scale of pay of Mill Wright Mechanics and Mechanics is one and the same, they have not been altered, and that both the categories of Mill Wright Mechanic and Mechanic are feeder posts for promotion to the post of Leading Hand, and that the petitioner is entitled to promotion to the said post as per his seniority. When the re-categorization did not take away the benefits, which the petitioner is presently enjoying, and having regard to the fact that neither the service conditions of the petitioner nor his promotion channel to the next higher post nor his pay scale upon re-categorization is affected, and he being entitled to promotion to the post of Leading Hand, I am of

the considered opinion that the petitioner cannot have any grievance about the re-categorization.

Though the petitioner contends that one should have qualifications of SSC and pass in ITI in Mechanic Trade to hold the post of Mechanic, the fact remains, the respondents after re-categorizing the staff from one particular category to the re-categorized category, are providing them necessary training to discharge the duties attached to the re-categorized post, and given the fact that the petitioner having been appointed as Cleaner, had been promoted as Hanger Man and Mill Wright Mechanic upon his passing the Trade Tests, and has successfully discharged duties attached to the said posts, he cannot complain that he would not be in a position to discharge the duties attached to the re-categorized post, and more so when the respondents are imparting training to the re-categorized persons to discharged the duties attached to the re-categorized posts.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 10th August, 2006.
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